

ENTWISTLE & CAPPUCCI

Entwistle & Cappucci LLP  
280 Park Avenue  
26th Floor West  
New York, NY 10017

(212) 894-7200 Main  
(212) 894-7272 Fax  
www.entwistle-law.com

July 15, 2015

**VIA ECF**

Honorable Thomas P. Griesa  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: ***In re Tremont Sec. Law, State Law & Ins. Litig.***, No. 08 Civ. 11117 (TPG);  
**Briefing Schedule**

Dear Judge Griesa:

We write in brief response to the letter from FutureSelect regarding further changes to the briefing schedule.

Both FutureSelect and Mr. Martin previously requested a briefing schedule that would give them 30 days to file their objections to the consensus FDA POA submitted by Class Counsel to the Court for approval last week. We accommodated the requests by FutureSelect and Mr. Martin in the previously approved briefing schedule, and that schedule should not be changed now.

FutureSelect's latest proposal also effectively seeks to amend the Court-approved briefing schedules for FutureSelect's two motions. As the Court is aware, we have already filed our opposition to FutureSelect's subclass motion on the approved schedule and we intend to file our opposition to its proposal related to allocation next week, as required. There is no need to modify the existing schedule, which assures that both FutureSelect motions will be fully briefed by August 3, 2015, assuring the Court has ample time to consider them before the August 24, 2015 hearing date.

As for the Martin motion, Your Honor already has our letter asking that the Court shorten the briefing schedule to that required by the Federal Rules (July 30, 2015 for opposition papers and August 10, 2015 for reply papers). While this schedule shortens our time to respond, it assures the motion will be fully briefed well in advance of the August 24, 2015 hearing (rather than one working day before the hearing, as Mr. Martin's counsel proposed).

Lastly, we note that both FutureSelect and Mr. Martin have taken the unusual approach of making motions that purport to seek approval of proposals they advance as plans of allocation

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for the FDA, rather than making such proposals by way of objection, as is the usual course. The motions are made and we will continue to respond in due course, but in no sense should the fact of the motions be taken to confer any validity to their approach or create -- as FutureSelect seems to suggest -- the possibility of additional, similarly procedurally bereft applications. The existing schedule already provides for the filing of objections by August 10, 2015 and it would be procedurally improper to effectively shorten that period to July 17, 2015 (as FutureSelect now requests) by requiring objections making alternative proposals due almost three weeks before objections are currently due. By the same token, we note that, while the FutureSelect proposal gives it several additional weeks to respond to the opposition papers due next week, it has the same flaw that the Martin proposal had insofar as it effectively "dumps" on the Court all reply papers one working day before the hearing -- a wholly unnecessary burden, particularly when the briefing schedule that the Court approved in our July 7, 2015 letter wholly avoids that burden.

Having previously approved the briefing schedule here by endorsement of our July 7, 2015 letter, the only action the Court need take now to assure the continued orderly administration of this process is to provide that opposition papers to the Martin motion are due July 30, 2015 and reply papers are due August 10, 2015 (the usual time frame set forth in the Federal Rules).

We thank Your Honor for your patience with the several letters by counsel and for your consideration in this matter.

Respectfully submitted,



Andrew J. Entwistle

Jeffrey M. Haber

**BERNSTEIN LIEBHARD LLP**

Reed R. Kathrein

**HAGENS BERMAN SOBOL SHAPIRO  
LLP**